

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

REBECCA KLUG,

Plaintiff,

v.

**Civil Action No. 3:18-cv-00711
Judge Robert C. Chambers**

**MARSHALL UNIVERSITY BOARD
OF GOVERNORS, and
FARID B. MOZAFFARI, an individual,**

Defendants.

**PLAINTIFF'S THIRD SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
AND THINGS, AND FIRST REQUEST FOR ADMISSIONS TO
DEFENDANT MARSHALL UNIVERSITY BOARD OF GOVERNORS**

TO: Marshall University Board of Governors
c/o Perry W. Oxley, Esq./L.R. Sammons, III, Esq.
Eric D. Salyers, Esq./David E. Rich, Esq.
Oxley Rich Sammons
Post Office Box 1704
Huntington, WV 25718

COMES NOW Plaintiff, by counsel, and respectfully propounds the following interrogatories and requests upon Defendant Marshall University Board of Governors "BOG" or "Defendant". In accordance with Rules 26, 33, 34, and 36 of the Rules of Civil Procedure, Plaintiff calls upon Defendant BOG to answer these interrogatories and requests within thirty (30) days of service hereof.

INTERROGATORIES

1. Please list and describe, with specificity and detail, each and every

criterion upon which Defendant based its promotion in training decisions for surgical residents for PG1, PG2, and PG3 the years 2013-2016.

ANSWER:

2. Was Plaintiff ever placed on administrative or academic probation? If so, please provide the date(s) of such probation, the criteria for placing her on such probation, whether she was released from academic probation, and identify any documents related to such academic probation, including, but not limited to, correspondence notifying Plaintiff and/or any affiliated institutions and written feedback from the Program Director.

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

1. Please produce copies of each and every document used, consulted, relied upon, identified, or referred to in answering Plaintiff's Third Set of Interrogatories and/or First Set of Requests for Admission.

RESPONSE:

2. Please produce the entire Surgical Residency file for Dr. Nathaniel Seth Adkins.

RESPONSE:

3. To the extent not included in response to the preceding Request, please produce the following documents related to Dr. Nathaniel Seth Adkins:

- (a) ABSITE Score Reports;
- (b) ACGME Milestone Evaluation Reports, including the Mid-Year and Year

End evaluations;

- (c) New Innovations Evaluation Reporting;
- (d) Documentation of Required Research Projects, including the annual Quality Improvement poster and Resident Research Project;
- (e) C3 Recommendations;
- (f) MU Surgery Resident Program Midpoint and Final Evaluations;
- (g) Any and all remediation plans;
- (h) Any and all educational enhancement plans; and
- (i) Any other documentation in the Surgical Residency file related to Dr. Nathaniel Seth Adkins's performance.

RESPONSE:

- 4. Please produce the entire Surgical Residency file for Dr. Ekong Uffort.

RESPONSE:

5. To the extent not included in response to the preceding Request, please produce the following documents related to Dr. Ekong Uffort:

- (a) ABSITE Score Reports;
- (b) ACGME Milestone Evaluation Reports, including the Mid-Year and Year End evaluations;
- (c) New Innovations Evaluation Reporting;
- (d) Documentation of Required Research Projects, including the annual Quality Improvement poster and Resident Research Project;
- (e) C3 Recommendations;
- (f) MU Surgery Resident Program Midpoint and Final Evaluations;

- (g) Any and all remediation plans;
- (h) Any and all educational enhancement plans; and
- (i) Any other documentation in the Surgical Residency file related to Dr. Ekong Uffort's performance.

RESPONSE:

6. Please produce the entire Surgical Residency file for Dr. Don Morring, Jr.

RESPONSE:

7. To the extent not included in response to the preceding Request, please produce the following documents related to Dr. Don Morring, Jr.:

- (a) ABSITE Score Reports;
- (b) ACGME Milestone Evaluation Reports, including the Mid-Year and Year End evaluations;
- (c) New Innovations Evaluation Reporting;
- (d) Documentation of Required Research Projects, including the annual Quality Improvement poster and Resident Research Project;
- (e) C3 Recommendations;
- (f) MU Surgery Resident Program Midpoint and Final Evaluations;
- (g) Any and all remediation plans;
- (h) Any and all educational enhancement plans;
- (i) Any other documentation in the Surgical Residency file related to Dr. Don Morring, Jr.'s performance; and
- (j) Any records related to leaves of absences.

RESPONSE:

8. Please produce the entire Surgical Residency file for Dr. Marco Yung.

RESPONSE:

9. To the extent not included in response to the preceding Request, please produce the following documents related to Dr. Marco Yung:

- (a) ABSITE Score Reports;
- (b) ACGME Milestone Evaluation Reports, including the Mid-Year and Year End evaluations;
- (c) New Innovations Evaluation Reporting;
- (d) Documentation of Required Research Projects, including the annual Quality Improvement poster and Resident Research Project;
- (e) C3 Recommendations;
- (f) MU Surgery Resident Program Midpoint and Final Evaluations;
- (g) Any and all remediation plans;
- (h) Any and all educational enhancement plans; and
- (i) Any other documentation in the Surgical Residency file related to Dr. Marco Yung's performance.

RESPONSE:

10. Please produce the entire Surgical Residency file for Dr. Farzad Amiri.

RESPONSE:

11. To the extent not included in response to the preceding Request, please produce the following documents related to Dr. Farzad Amiri:

- (a) ABSITE Score Reports;

- (b) ACGME Milestone Evaluation Reports, including the Mid-Year and Year End evaluations;
- (c) New Innovations Evaluation Reporting;
- (d) Documentation of Required Research Projects, including the annual Quality Improvement poster and Resident Research Project;
- (e) C3 Recommendations;
- (f) MU Surgery Resident Program Midpoint and Final Evaluations;
- (g) Any and all remediation plans;
- (h) Any and all educational enhancement plans; and
- (i) Any other documentation in the Surgical Residency file related to Dr. Farzad Amiri's performance.

RESPONSE:

12. Please produce any and all of Dr. Farzad Amiri's residency contracts with Defendant MUBOG.

RESPONSE:

13. In regard to Plaintiff, please provide any and all remediation plans and documents reflecting periodic written feedback from the Program Director concerning such remediation plans.

RESPONSE:

REQUEST FOR ADMISSIONS

1. Please admit that the ABSITE is not required as part of the board certification process.

RESPONSE:

2. Please admit that Don Morring, Jr., a male resident, was permitted to take a leave of absence and return to the surgical residency program, without repeating all of the training he missed.

RESPONSE:

3. Please admit that when Don Morring, Jr. returned to work, he was permitted lighter duty for a “transitional period.”

RESPONSE:

4. Please admit that ABSITE exams are not required for promotion in training.

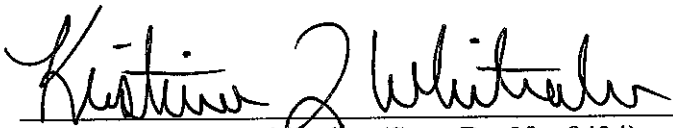
RESPONSE:

5. Please admit that Farzad Amiri was permitted to skip PGY2.

RESPONSE:

Respectfully submitted,

REBECCA KLUG
Plaintiff
By Counsel



Kristina Thomas Whiteaker (State Bar No. 9434)
David Grubb (State Bar No. 1498)
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CERTIFICATE OF SERVICE

I, Kristina Thomas Whiteaker, counsel for Plaintiff, do hereby certify that I have this 20th day of November, 2019, electronically filed this certificate with the Clerk of the Court using the CM/ECF system, confirming service of *Plaintiff's Third Set of Interrogatories and Request for Production of Documents and Things, and First Request for Admissions to Defendant Marshall University Board of Governors* upon counsel of record, via facsimile, as follows

Perry W. Oxley, Esq./L.R. Sammons, III, Esq.
Eric D. Salyers, Esq./David E. Rich, Esq.
Oxley Rich Sammons
Post Office Box 1704
Huntington, WV 25718

s/ Kristina Thomas Whiteaker

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